IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4356 of 2007()

SC.10/2006 of SUB COURT, KASARAGOD
CRIME NO.131/2003 OF ADHUR POLICE STATION

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PETITIONER/2ND ACCUSED:

P.K. ABDUL KHADER @ KHADER,
S/O. P.T.ISSA, AGED 31 YEARS, KELOTH HOUSE,
19TH MILE, KASIMUKKU, CHAVASSERY, KANNUR DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTING S.H.O., ADHUR POLICE STATION,
KASARGOD DISTRICT, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4356 of 2007

Dated this the 12th day of July 2007

O R D E R

Application for regular bail. The petitioner is the second accused in a prosecution under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 3060 litres of spirit. Investigation is over. Final report has been filed. Cognizance has been taken. The case has been committed to the court of Session. The court of Session had issued summons to the petitioner. The petitioner was enlarged on bail at the stage of investigation. On receipt of process from the Sessions Court, the petitioner entered appearance through counsel. He kept on applying to excuse his absence. Request was allowed thrice. Thereafter, the petition was dismissed and a non-bailable warrant was issued. The petitioner apprehended and was remanded. He continues in custody now from 05/07/2007, his application for bail having been dismissed by the learned Sessions Judge.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not raise any serious objection on

condition that appropriate safeguards may be taken to ensure the presence of the petitioner and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.2,00,000/- (Rupees two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge.

ii) The petitioner shall not leave the State of Kerala until further orders without the prior permission of the learned Sessions Judge.

iii) The petitioner shall, until the case against him is disposed of, report to the S.H.O, Adhur police station, Kasargod between 5 p.m and 6 p.m on the first Sundays of all English calender months.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007